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Medtronic Inc.

By Juanita I. Trautler
Juanita I. Trautler

Date April 29, 2004

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

Applicant(s) : Kenneth B. Stokes
Josee Morissette

Serial No. : 09/376,317

Filed : August 18, 1999

For : System and Method for Genetically Treating
Cardiac Conduction Disturbance

Docket No. : P3569.01 Continuation

) MAY 05 2004
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) OFFICE OF PETITIONS
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) Group Art Unit:
) 1632
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) Examiner:
) S. Priebe
)
)

REPLY UNDER 37 C.F.R. 111 &
AMENDMENT UNDER 37 C.F.R. 1.121

Assistant Commissioner for Patents
Washington, D. C. 20231
Sir:

Applicants submit amendments and their reply to the office action mailed December 19, 2001, in reference to their application indicated above. The submitted response accompanies applicants petition to revive.

In the mailed office action, the Examiner rejected pending claims 1, 4-14, 20-25, 39-43 and 48-50. Applicants respectfully request reconsideration of the above-captioned application under 37 C.F.R. §1.115 in light of the amendments and remarks in this response.

Applicants authorize the office to charge deposit account No. 13-2546, in the

name of Medtronic, Inc., the fee under 37 C.F.R. §1.17(c) for their petition (or for any necessary fees related to their response).

I. AMENDMENTS

In response to the Office Action dated December 19, 2001, Paper No. 11, please enter the contained amendments on the marked up version of the claims. The submitted marked-up version of the claims follows standard amendment rules, wherein added text has been underlined and deleted text has been bracketed, and the status of each claim has been indicated. Applicants respectfully request entry of the submitted amendments.

Claims 1, 6, 10, 20, and 24 have been amended to add the feature that after the cells are contacted with vector, the cells are transfected or transduced with the vector. Support for adding this feature can be found starting at the second to last paragraph on page 20, and proceeding through to the end of the first paragraph on page 22, as well as and is found through out the specification.

II. RESPONSE TO THE REJECTIONS MADE IN THE FINAL OFFICE ACTION

In the communication from the Examiner mailed December 19, 2001, the Examiner maintain rejected claims on the following bases:

- I. Claims 1, 4-14, 20-25, 39-42, and 48-50 were finally rejected under 35 U.S.C. Section 112, first paragraph, for lack of enablement.
- II. Claims 1, 4-25, and 20-25, 39-43, and 48-50 stand rejected under 35 U.S.C. 103, as being unpatentable over Mulier et al. (WO 95/05781) in view of Leiden et al. (WO 94/11506) and Kanter et al. (1994).

Response to each of the foregoing rejections is provided below.